

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JEREMY BANEY,	:	CIVIL NO. 1:09-CV-1012
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	(Magistrate Judge Smyser)
	:	
TRANS UNION,	:	
	:	
Defendant	:	

REPORT AND RECOMMENDATION

On November 9, 2009, the defendant filed a motion for voluntary dismissal with prejudice. The defendant asserts that on October 28, 2009 it received from the plaintiff a praecipe to withdraw this action. The defendant asserts in its motion that the praecipe is attached to its motion. However, the praecipe was not attached to the motion and had not otherwise been filed. By an Order dated November 24, 2009, we ordered the defendant to file a copy of the praecipe referred to in its motion.

On November 24, 2009, the defendant filed as a supplement to its motion a copy of the praecipe referred to in its motion. The praecipe is signed by the plaintiff and indicates that the case is withdrawn with prejudice.

Based on the praecipe signed by the plaintiff, it is recommended that the defendant's motion (doc. 11) for dismissal with prejudice be granted and that the case be dismissed with prejudice.

/s/ J. Andrew Smyser

J. Andrew Smyser
Magistrate Judge

Dated: December 7, 2009.